



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 20, 1996

Ms. Helen Gros
Senior Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR96-1501

Dear Ms. Gros:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100956.

The City of Houston (the "city") received a request for certain Houston Sign Administration records. You assert that the requested information is excepted from disclosure pursuant to section 552.103(a) of the Government Code based on pending litigation styled *Garnett Outdoor Company, et al. v. City of Houston, et al.*

To secure the protection of section 552.103(a), a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.-Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You have submitted for review a copy of the pleadings in the pending lawsuit. Accordingly, you have satisfied the first prong of the section 552.103(a) test by demonstrating that the city is a party to the pending litigation.

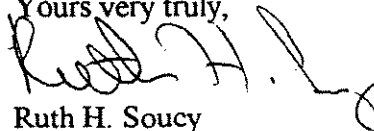
In order to secure the protection of 552.103(a), a governmental body must demonstrate that the requested information "relates" to the pending litigation. Open Records Decision No. 588 (1991). You submitted to this office for review certain documents that you claim are responsive to the request.¹ You assert that the requested documents are related to the pending litigation as evidenced by Gilbert D. Douglas' affidavit. However, our review of the documents shows that the records are not related

¹You also submitted to this office, as exhibit 2, certain court documents which apparently are not at issue, and which we do not address in this letter.

to the pending litigation. Thus, the requested documents may not be withheld from disclosure pursuant to section 552.103(a).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

SAB/RHS/ch

Enclosures: Submitted documents

cc: Mr. Richard Rothfelder
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(w/o enclosures)